



26 FEB 2003

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In re Application of
CORDICK, et al.
U.S. Application No.: 09/743,757
PCT No.: PCT/CA99/00628
Int. Filing Date: 13 July 1999
Priority Date: 13 July 1998
For: BACTERIA AS ODOR CONTROL
AGENTS FOR CARPET

COMMUNICATION

This communication is in response to applicant's unsigned facsimile received 29 January 2003 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 13 July 1999, applicant filed international application PCT/CA99/00628, which claimed priority of an earlier application filed 13 July 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 27 January 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 13 January 2001.

On 16 January 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*: the requisite basic national fee as required by 35 U.S.C. 371(c)(1). 13 January 2001 being a Saturday and 15 January 2001 being a federal holiday in the United States, the application was considered timely filed.

On 20 February 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) informing applicant of the need to provide a signed oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. In addition, applicant was advised of the need to provide payment of the applicable surcharge for filing the oath or declaration later than thirty months from the priority date. Applicant was given one month to respond and advised that this time period could be extended with a proper petition and payment of fees.

On 14 January 2003, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) mailed 20 February 2001 within the time period set therein and that above-identified application was abandoned as to the United States.

On 29 January 2003, applicant filed the present unsigned facsimile accompanied by copies of the papers purportedly filed by facsimile on 20 March 2001.

DISCUSSION

The PCT Legal Office is in possession of an unsigned facsimile communication. In addition to being unsigned, the correspondence did not include any cover letter or other instructions as to the accompanying papers. This application remains abandoned as to the National Stage in the United States. Applicant is advised to file either a proper petition under 37 CFR 1.181 to withdraw the holding of abandonment or a petition under 37 CFR 1.137(b) to revive the application as applicant sees fit.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.



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